

GB919990093US1

9/727,623

REMARKS

A final office action was mailed on Feb 9, 2005. A petition and fee for a two month extension of time is filed herewith for an extension of time until July 11, 2005, as provided by 37 C.F.R. § 1.7.

In the present amendment, claim 1 has been amended to include the limitations of claim 10, and claim 11 has been amended to include the limitations of claim 20. Claims 10 and 20 are canceled. Claims 21 and 24 have been amended in a similar manner.

In paragraphs 3-17 of the final office action, claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,151,688 to Wipfel et al. (hereinafter Wipfel) in view of US Patent 5,764,626 to VanDervort (hereinafter VanDervort). The rejection is respectfully traversed, and reconsideration is requested. This is a proper amendment after final action under 37 C.F.R. § 1.116 as it places the claims in better form for consideration on appeal.

Wipfel is directed to methods, systems and devices for managing resources in a computing cluster including cluster nodes themselves, as well as sharable resources such as memory buffers and bandwidth credits that may be used by one or more nodes. Wipfel specifically states at Col. 8, lines 18-25: "As noted, the allocated resources may be memory buffers (residing in shared memory 220), credits toward bandwidth, priority or other scarce cluster 100 resources, or any other computational resource which it is more cost-effective to share among nodes than it is to dedicate permanently to each node. By contrast, the processors 216 and interconnects 112 are typically dedicated rather than pooled."

It is respectfully submitted that Wipfel is an example of the prior art, rather than the claimed invention. In the claimed

GB919990093US1

9/727,623

invention, resource requests having connection information are associated with resource requests having object information. In Wipfel, interconnects 112 are dedicated to a node 106 rather than being in the pool 212 (see Fig. 2). See pages 6 and 7 wherein the problem solved by the present invention are discussed. In claims 1, 11, 21 and 24, a first resource comprising a connection handle is associated with a second resource comprising an object handle. Thus when a dummy resource requested by a user is allocated, both the connecting handle and the object handle are dispensed to the user. In contrast, in Wipfel, a probing node needs to determine whether it can still communicate with the remote device (see Col. 10, lines 35-46). There is no first resource request having connection information since the connection is dedicated and must exist before the request for a sharable resource. Thus, in Wipfel, there is only one resource request. Further, in the present invention as claimed in claims 1, 11, 21 and 24, dummy resources are dispensed to a user in response to resource requests. As explained at page 8, lines 9-15; "the dummy resources are effectively "proxies", each representing a particular resource requested by the user. The "real dispensing", i.e. The allocation of resources from the resource pool, is deferred until the user issues a service request. Pool resources are then allocated to the dummy resources dispensed to the user. This allows more efficient allocation of pooled resources, since the particular pooled allocation resources to be allocated can be selected based on the set of associated resources requested by the user." It is respectfully submitted that each second resource is associated with the first resource, and the use of dummy resources issued to a user and the allocating of resources from the resource pool to dummy resources in response to the service request from the user, as claimed is not taught or suggested in Wipfel. In Wipfel, Col. 15, lines 30-49 describes taking resources from a local queue 702

GB919990093US1

9/727,623

by means of a lock management means 706. Wipfel does not teach or suggest the use of dummy resources or proxies to defer allocation of resources until the user issues a service request, as claimed.

In paragraph 7, the examiner has cited VanDervort as an example of the use of dummy resources. VanDervort is directed to a test instrument for monitoring operations of ATM communication networks capable of identifying individual cells passing through a node to which the instrument is connection as belonging to a particular virtual connection, and transmitting test cells replacing the identified cells (see the abstract). As in Wipfel, a connection must be established in VanDervort, see Col. 2, lines 21-25: "Accordingly, an overall message to be transmitted from an originating source to an ultimate destination is divided into a number of cells, transmitted in sequence over a "virtual connection" established when the communication is established". In VanDervort, there is to teaching or suggestion, that a second requested resource be associated with a first requested resource, or that a dummy resource be dispensed to a user in response to the first and second resource requests. In VanDervort, a dummy cell is placed into a data stream in a message between an established virtual connection established when the communication is established, the dummy cell to be filled in at later time. In VanDervort, an instrument and method is provided for identifying the cells belonging to an individual virtual connection, for replacing these specific cells at a first test access point with predetermined test cells, and for detecting these test cells at a second test access point (see Col. 4, lines 56-59). There is no first request having connection information since the virtual connection must be established when the communication is established, there is no associated second request having object information, and no dummy resources are issued to a user in response to the first and second resource requests, and there is

GB919990093US1

9/727,623

no allocation or corresponding resources from the resource pool in response to a service request from the user, as claimed. It is submitted that if Wipfel and VanDervort were combined as suggested by the examiner a system would result in which pooled resources are allocated from a resource pool in accordance with a single request with a first node probing a second node to see if there is a valid interconnect, and dummy cells would be provided in the data stream over a virtual connection between the first node and the second node, which dummy cells are replaced at a first test access point with predetermined test cells. It is submitted that such a combination is not the invention claimed in claims 1, 11, 21 and 24.

In paragraph 16, the examiner has rejected claims 10 and 20 saying that having communication in the first resource request, and associated object information in the second request is obvious in view of the combined teaching of Wipfel in view of VanDervort. This rejection is traversed and reconsideration is requested. Claim 10 is canceled and incorporated into claim 1, claim 20 is canceled and incorporated into claim 11, and similar amendments have been made to claims 21 and 24. As pointed out above, in both Wipfel and VanDervort, and connection or virtual connection has to exist or be probed. There is no first resource request having connection information. Neither Wipfel nor VanDervort show issuing a request with the connection information which is associated with a second request having object information, and as a result dispensing dummy resources to a user in response to the first and second resource requests, and allocating corresponding resources from the resource pool in response to the service request from the user as claimed. Wipfel teaches removing sharable resources from a resource pool over a connection which is established, or probing a second node for a connection. VanDervort also requires an established virtual

GB919990093US1

9/727.623

connection for sending a data stream having dummy cells which are filled with predetermined cells at a first test point.

It is submitted that claims 1, 11, 21 and 24 are allowable under 35 U.S.C. 103 over Wipfel in view of VanDervort, which allowance is requested.

Claims 2-9 are depended on claim 1, claims 12-19 are depended from claim 11, claims 22-23 are depended from claim 21. It is respectfully submitted that dependent claims 2-9, 12-19, and 22-23 are allowable under 35 U.S.C. 103 over Wipfel in view of VanDervort for the reasons set out above, which allowance is respectfully requested.

It is respectfully submitted that the application is now in condition for allowance, which allowance is respectfully requested.

RESPECTFULLY SUBMITTED

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